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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

SOPHIA WONG,

No. C 08-02432 SBA

Plaintiff,

ORDER

v.

[Docket Entry of May 12, 2008]

MICHAEL J. ASTRUE, Commissioner
of Social Security Administration, *et al.*,

Defendants.

INTRODUCTION

Before the Court are documents presented for filing under seal. For the reasons discussed below, the request is denied without prejudice.

BACKGROUND

On May 12, 2008, Wong filed a Complaint. *See* Docket Nos. 1. Wong claims she is mentally disabled and receives Social Security disability benefits. Compl. at 8:2-5. She also claims her benefits go to a payee, whom she has named as a defendant, who did not pay her rent for 15 months, resulting in her eviction by her landlord, the San Francisco Housing Authority (the “SFHA”), in Superior Court case CUD-08-625494. *Id.* at 8:11-20, 9:17, 11:24-25. As a result, she alleges she is now homeless. *Id.* at 1:1, 10:3-6, 10:15-16. This same day, someone presented documents for filing under seal in her matter.¹ *See* Docket Entry dated May 12, 2008.

LEGAL STANDARD

The legal standard in this area is provided by *Kamakana v. City and County of Honolulu*, 447 F.3d 1172 (9th Cir. 2006) and Civil Local Rule 79-5. In *Kamakana*, the Ninth Circuit held it is a general rule that documents filed with a court must be open to public inspection, so the people and the media can monitor court activity. *Id.* at 1178. Nonetheless, a narrow range of documents have traditionally been exempt from this rule for public policy reasons, such as grand jury transcripts and

¹ Because nobody filed a motion to seal, the Court does not know who filed the documents for sealing.

1 warrant materials in the midst of a pre-indictment investigation. *Id.* Documents outside this narrow
 2 traditional range, however, must overcome a strong presumption favoring public access. *Id.*
 3 Documents like dispositive motions and their exhibits may overcome this presumption if a party
 4 demonstrates a *compelling reason* for sealing them. *Id.* at 1179. For documents related to discovery
 5 and attached to a non-dispositive motion, however, a party need only show *good cause* exists to seal,
 6 which is the same standard for filing discovery documents under seal, under Federal Rule of Civil
 7 Procedure 26(c). *Id.* at 1179-80.

8 In addition, Civil Local Rule 79-5(b) states:

9 (b) Request to File Entire Document Under Seal. Counsel seeking to file an
 10 entire document under seal must:

11 (1) File and serve an Administrative Motion to File Under Seal, in
 12 conformance with Civil L.R. 7-11, accompanied by a declaration establishing that the
 13 entire document is sealable;

14 (2) Lodge with the Clerk and serve a proposed order sealing the
 15 document;

16 (3) Lodge with the Clerk and serve the entire document, contained in
 17 an 8 ½- inch by 11-inch sealed envelope or other suitable sealed container, with a
 18 cover sheet affixed to the envelope or container, setting out the information required
 19 by Civil L.R. 3-4(a) and (b) and prominently displaying the notation: "DOCUMENT
 20 SUBMITTED UNDER SEAL";

21 (4) Lodge with the Clerk for delivery to the Judge's chambers a
 22 second copy of the entire document, in an identical labeled envelope or container.

23 N.D. Cal. Civ. L.R. 79-5(b).

24 ANALYSIS

25 Here, the person filing the documents failed to provide any basis for sealing them under
 26 either Rule 26's good cause standard or the compelling standard discussed in *Kamakana*. Further,
 27 the person made no effort to comply with Local Rule 79-5(b), including the requirement that they

28 ///


1 provide a declaration as to why the documents proffered should be filed under seal. As such, the
2 documents will not be filed under seal.

3 **CONCLUSION**

4 The Court denies without prejudice the request to file the documents presented on May 12,
5 2008 for filing under seal.

6
7 IT IS SO ORDERED.

8 May 20, 2008

9 
Saundra Brown Armstrong
United States District Judge

1
2 UNITED STATES DISTRICT COURT
3 FOR THE
4 NORTHERN DISTRICT OF CALIFORNIA
5
6

7 WONG et al,

Case Number: CV08-02432 SBA

8 Plaintiff,

CERTIFICATE OF SERVICE

9 v.

10 ASTRUE et al,

11 Defendant.
12 _____/

13 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
14 Court, Northern District of California.

15 That on May 20, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said
16 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
17 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
18 located in the Clerk's office.

18 Sophia Wong
19 1230 Market Street, #731
20 San Francisco, CA 94102

21 Dated: May 20, 2008

21 Richard W. Wieking, Clerk
22 By: LISA R CLARK, Deputy Clerk
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